

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

NIKKI BOLLINGER GRAE, Individually)
and on Behalf of All Others Similarly)
Situating,)
)
Plaintiff,)
)
v.)
)
CORRECTIONS CORPORATION OF)
AMERICA, DAMON T. HININGER,)
DAVID M. GARFINKLE, TODD J.)
MULLENGER, and HARLEY G. LAPPIN)
)
Defendants.)

Case No. 3:16-cv-02267

Judge Aleta A. Trauger

**DECLARATION OF MILTON S. MCGEE, III IN SUPPORT OF DEFENDANTS’
OPPOSITION TO PLAINTIFF’S MOTION FOR RECONSIDERATION OF THE
COURT’S ORDER DENYING CLASS CERTIFICATION**

I, Milton S. McGee, III, declare as follows:

1. I am over 18 years of age and am competent to testify as to the matters stated in this Declaration. I am a member of good standing of the Tennessee bar and am admitted to practice in this Court. I am a member at the law firm of Riley Warnock & Jacobson, PLC and counsel for Defendants CoreCivic, Inc. (“Company”), Damon T. Hininger, David M. Garfinkle, Todd J. Mullenger, and Harley G. Lappin (collectively, “Defendants”). I hereby submit this Declaration in support of Defendants’ Opposition to Plaintiff’s Motion for Reconsideration of the Court’s Order Denying Class Certification. I have personal knowledge of the facts set forth within.

2. Attached as **Exhibit 1** to this Declaration is a true and correct copy of an article entitled “Warehoused and Forgotten” that was published by the American Civil Liberties Union in June 2014.

3. Attached as **Exhibit 2** to this Declaration is a true and correct copy of an article entitled “Federal Officials Ignored Years of Internal Warnings About Deaths at Private Prisons” that was published by *The Nation* on June 15, 2016.

4. Based on consultation with Defendants’ document production vendor, I understand that each of the Company documents Plaintiff asserted to be “newly discovered” evidence in its Motion for Reconsideration was produced in reviewable format weeks before October 26, 2018, when Plaintiff filed its Reply in support of Class Certification. The “technical difficulties” Plaintiff identified with respect to certain of the documents were corrupted links between documents in families (i.e., between emails and attachments) and inconsistent Bates stamping. The documents themselves were produced in-full and in reviewable format on the dates listed below:

Plaintiff's Ex.	Production - Begbates	Production - Endbates	Produced Date
Ex. B	CORECIVIC_0042895	CORECIVIC_0042895	7/23/2018
Ex. C	CORECIVIC_1248552	CORECIVIC_1248552	9/13/2018
Ex. F	CORECIVIC_0085279	CORECIVIC_0085279	7/31/2018
Ex. G	CORECIVIC_0994940	CORECIVIC_0994944	9/13/2018
Ex. H	CORECIVIC_0035973	CORECIVIC_0035974	7/23/2018
Ex. I	CORECIVIC_1317980	CORECIVIC_1317986	9/13/2018
Ex. J	CORECIVIC_0102020	CORECIVIC_0102022	7/31/2018
Ex. K	CORECIVIC_0683821	CORECIVIC_0683825	8/30/2018
Ex. L	CORECIVIC_0086682	CORECIVIC_0086685	7/31/2018
Ex. M	CORECIVIC_1042620	CORECIVIC_1042645	9/13/2018
Ex. N	CORECIVIC_0990231	CORECIVIC_0990241	9/13/2018
Ex. O	CORECIVIC_0990364	CORECIVIC_0990364	9/13/2018
Ex. P	CORECIVIC_0990736	CORECIVIC_0990737	9/13/2018
Ex. R	CORECIVIC_0991784	CORECIVIC_0991784	9/13/2018
Ex. S	CORECIVIC_0944767	CORECIVIC_0944775	8/30/2018
Ex. T	CORECIVIC_0030472	CORECIVIC_0030473	7/23/2018
Ex. U	CORECIVIC_0029150	CORECIVIC_0029151	7/23/2018
Ex. V	CORECIVIC_0990524	CORECIVIC_0990525	9/13/2018
Ex. W	CORECIVIC_0042160	CORECIVIC_0042161	7/23/2018
Ex. X	CORECIVIC_0151780	CORECIVIC_0151781	7/31/2018
Ex. Y	CORECIVIC_0086157	CORECIVIC_0086159	7/31/2018
Ex. Z	CORECIVIC_0114483	CORECIVIC_0114484	7/31/2018
Ex. AA	CORECIVIC_0088975	CORECIVIC_0088976	7/31/2018
Ex. BB	CORECIVIC_0393120	CORECIVIC_0393121	8/30/2018
Ex. CC	CORECIVIC_0199715	CORECIVIC_0199715	7/31/2018
Ex. DD	CORECIVIC_0201050	CORECIVIC_0201051	7/31/2018
Ex. EE	CORECIVIC_0058341	CORECIVIC_0058342	7/31/2018
Ex. FF	CORECIVIC_0990983	CORECIVIC_0990985	9/13/2018
Ex. GG	CORECIVIC_1153117	CORECIVIC_1153117	9/13/2018
Ex. HH	CORECIVIC_0090867	CORECIVIC_0090868	7/31/2018

5. Pursuant to 26 U.S.C. §1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed on February 15, 2019, in Nashville, Tennessee.

Respectfully submitted:

/s/ Milton S. McGee, III

Milton S. McGee, III (TN #024150)

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CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing document was made upon the following Filing Users through the Electronic Filing System:

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this 15th day of February, 2019.

/s/ Steve A. Riley
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